

SECOND REGULAR SESSION

SENATE BILL NO. 1286

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Read 1st time February 28, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5398S.011

AN ACT

To amend chapter 537, RSMo, by adding thereto three new sections relating to business premises safety.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto three new sections, to be known as sections 537.785, 537.786, and 537.787, to read as follows:

537.785. 1. This act may be referred to and cited as the "Business Premises Safety Act".

2. As used in sections 537.785 to 537.787, the following terms mean:

(1) "Business", any commercial or agricultural enterprise including, but not limited to, sales, services, manufacturing, food service, property management or leasing company, or any other entity, whether for profit or not for profit, which owns, operates, or leases property to which persons are invited or permitted to visit;

(2) "Criminal act", those offenses specified under chapters 565 to 571, RSMo, that have resulted in injury;

(3) "Injury", any personal injury including, but not limited to, physical injury, sickness, disease, or death and all damages resulting therefrom including, but not limited to, medical expenses, wage loss, and loss of service;

(4) "Intentional act", an act done with the object to cause injury;

(5) "Person", any individual other than an employee or agent of the owner or occupier of the property in question.

537.786. 1. An owner or operator of a business shall not restrict any person from lawfully possessing a firearm in a motor vehicle in

3 possession of such person except a motor vehicle owned or leased by
4 such business.

5 2. Any individual may bring a civil cause of action to enforce this
6 section.

537.787. 1. There is no duty upon the owners or operators of a
2 business, individually or collectively, or upon merchants or
3 shopkeepers, to guard against the criminal act of a third party unless:

4 (1) They know or have reason to know that acts are then
5 occurring or are about to occur on the premises that pose imminent
6 probability of injury to a person; or

7 (2) The same criminal acts have occurred on the premises within
8 the prior twenty-four months such that there is substantial
9 foreseeability that such action will occur again. If either of these
10 conditions are met, a duty of reasonable care to protect against such
11 acts shall arise.

12 A business is not to be regarded as the insurer of the safety of its
13 customers and has no absolute duty to implement security measures for
14 the protection of its customers. Any measures implemented shall be
15 determined by considering both the magnitude of the burden to the
16 business in implementing security measures and the substantial
17 foreseeability of the injury to be prevented.

18 2. Any person injured by the criminal conduct of another shall
19 have the burden to prove that the breach of the owner's duty created
20 by this section caused or contributed to cause any injury sustained as
21 a result of the intentional or criminal act of any person.

22 3. In the case of past criminal activities, remedial action to
23 provide protection to customers shall not be admissible in evidence to
24 show prior negligence or breach of a duty of a business in any action
25 against the business for damages.

26 4. An owner or operator of a business shall not be liable for any
27 injury or damage resulting from his or her compliance with section
28 537.786.

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